

**FLATHEAD COUNTY PLANNING BOARD  
MINUTES OF THE MEETING  
SEPTEMBER 20, 2006**

**CALL TO ORDER** A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Charles Lapp, Randy Toavs, Gordon Cross, Gene Dziza, Kim Fleming, Kathy Robertson, Jeff Larsen, and Frank DeKort. Don Hines had an excused absence. Rebecca Shaw, Nicole Lopez-Stickney, Anne Thompson, and Jeff Harris, represented the Flathead County Planning & Zoning Office.

There were approximately 60 people in the audience.

**PUBLIC REVIEW** Jeff Larsen reviewed the public hearing process.

**APPROVAL OF MINUTES** No minutes were approved.

**PUBLIC COMMENT**  
*(not related to agenda items)* Olaf Ervin, 1658 North Fork Road of Columbia Falls, was not representing any business. He said the Board and Staff are not in good communication. He said Staff did not update a report with the corrected Findings of Fact. He expressed concern about the job Staff is doing. He said subdivision #123 was not presented to the commissioners as amended by the Planning Board.

**PRELIMINARY PLAT/  
GREYWOLF  
FPP 05-83** **FPP 05-83:** A request by Gary Rood for Preliminary Plat approval of Greywolf Subdivision, a seventeen (17) lot single-family residential subdivision on 90 acres. All lots in the subdivision are proposed to have individual water and septic systems. The property is located off Spring Hill Road, southeast of Smith Lake, near Kila.

**STAFF REPORT** Nicole Lopez-Stickney reviewed Staff Report FPP 05-83 for the Board.

**BOARD QUESTIONS** Larson asked Lopez-Stickney about comment letters.

Lopez-Stickney said she received one new letter this week.

**APPLICANT** Rick Breckenridge, 1405 Highway 2 West, introduced Marc Spratt of RLK Hydro, Inc. who would address the groundwater assessment issue.

Marc Spratt, 484 North Main Street of Kalispell, listed his degrees and certifications regarding hydrology and groundwater. He gave a brief history of his background. He gave a brief history on his background. He presented his findings of the groundwater to the Board with maps and graphs.

**APPLICANT  
CONTINUED...**

Breckenridge said he was disappointed the water information was not included in the Staff's report. He talked about the groundwater. He said the subdivision is not in an avalanche area. He said there would be enough groundwater according to Spratt's findings. He talked about Spring Hill Road and how hazardous it is. He handed out a traffic analysis to the Board. He asked the Board to amend specific conditions on the Staff report.

Cross asked Spratt about the potential effect of wells on this subdivision.

Spratt said the statistics "are what they are". He said on a well to well basis there is a risk. He said the potential water supply would decrease with more wells.

Cross and Spratt further discussed the water issue.

Spratt said water availability depended on the people living there and the way they used it.

**AGENCIES**

None.

**PUBLIC  
COMMENT**

Travis Tikka, 1939 Coon Hollow Road, Kila is in favor of this proposed subdivision. He said as a homeowner, or developer, there are requirements to be met, and as long as those requirements were met everything would be fine. He talked about the wildlife and dusty roads that have always been there. He said he drives on the dusty roads every day and said that is the way it goes.

Jesse Westphal, 9320 Hwy 2 West, Marion, has ten acres at 689 Spring Hill Road. He was born and raised on Spring Hill Road and has not seen abundant wildlife in the area for a long time. He said the subdivision proposed would improve land values and was in favor of the proposal.

Ray Watson, 445 Spring Hill Road, bought his property in 1996. His main concern was the access availability. He said he is a firm believer in property rights and wants to know where the easement should be placed. He said his property is directly across from this proposed subdivision.

Fleming asked Watson to point out his property on the map.

Marvin Sudan, 495 Hoffman Draw, had state he drilled quite a few wells in his lifetime. He said wells are not good producers in this particular area. He said a public water system would be very difficult for this area.

**PUBLIC  
COMMENT  
CONTINUED...**

Jonathan Baum, 63 Torto Loop, was opposed to the subdivision. He is the accountant/treasurer for the Torto Loop Association. He has put much of his own money into controlling the weeds, trying to be a good neighbor. He passed out some recent photos he had taken of the subdivision area. He talked about the water issue and said there is enough proof there is not enough water. His concern was how this subdivision would affect future generations.

Martha Waller, 685 Browns Meadow Road, was concerned about the groundwater and dust on Spring Hill Road. She said she has seen much wildlife such as moose, bear, deer, and elk near her home and does not want them to be chased out of the area.

Nancy Murphy, was born and raised on Spring Hill Road. At that time, they were the only family living out in the area. She said she was for this subdivision. She said the school should not be an issue since it is taxpayer funded. She talked about the deer and said they will not move out of the area just because of more houses. She said there is a lot more wildlife today than there was years ago.

Jackie Wirtz, 289 Highland Meadow Road, addressed the water issue. She said they have saved enough money over the last 5 years to try digging a new well; they have been hauling water all this time. She presented her maps and graphs to the Board. She asked the Board to deny this proposed subdivision because of its inconsistency with the Master Plan and said it is inappropriate for this area.

Kathleen Ingalls, 63 Torto Loop, was in opposition to the proposal. She displayed a large picture of the subdivision location. Her concern was the habitat and asked the Board to consider the character and integrity of Kila. Her goal was to protect the forest.

Kathleen Sudan, 495 Hoffman Draw, talked about the water problem and said it depends on how much money one has for a deeper and better producing well.

Mike Campbell, 289 Highland Meadow, was opposed to the subdivision. He handed out pictures of Spring Hill Road and talked about the dangerous road condition. He said more people in this area means more accidents. He said it is way too steep and paving would only make it worse. He told the Board he has had to chain up a 4-wheel drive with great snow tires, just to feel like he had control to drive on the road.

Mark Crowley, 2690 Haywire Gulch, talked about the water and septic issues. He talked of the costs both water and septic would entail.

Inaudible, he was in favor of the subdivision.

**PUBLIC  
COMMENT  
CONTINUED...**

Valerie Kurtzhalts, 455 Spring Hill Road, was interested in what Spratt presented. She said it was obvious not enough water was available.

Diane Sande, 675 Spring Hill Road, said there were many animals around and they will go away with more houses and cars. She said if people don't know how to drive Spring Hill Road, they will surely end up in the lake. She said the trees near the subdivision were root cut and will soon die.

Craig Kiser, 675 Spring Hill Road, has lived there all his life and talked about the water problem.

**STAFF  
REBUTTAL**

Lopez-Stickney talked about Spring Hill Road. She also talked about other roads in the area and the water issue.

**APPLICANT  
REBUTTAL**

Breckenridge talked about the access and said he has to fight the weeds like anyone else. He talked about the bug problem on those trees. He said there is a risk in everything and he is willing to take this risk. He said there are elk grazing in Iron Horse properties and there will be wildlife in this subdivision, too.

**BOARD  
DISCUSSION**

Larsen asked if anyone wanted to make a motion.

There was no answer from the Board.

Larsen asked again if anyone wanted to make a motion.

Fleming asked what would happen if there wasn't a motion.

Larsen said the Board could maybe have discussion first on the proposal and make a motion afterwards.

Fleming wanted to make sure that was fine with everyone.

Larsen said if no one was willing to make a motion, discussion would have to be first.

Fleming said she would not want to live in a place like this. The water is too much of a problem. She talked about the wells that would possibly be drilled. She said this is a high fire area and people are going to want to use a lot of water to keep their yards green. She referred to Spring Hill Road as being horrible and would be much worse after construction on the proposed subdivision is done with all the heavy equipment and more traffic added. She found the water problem upsetting and said she feels obligated to protect the residents already living there.

**BOARD  
DISCUSSION  
CONTINUED...**

Robertson talked about water rights, and said she is concerned about having a way out for emergency reasons. She does not think more buildings need to be out there.

DeKort had a whole list of concerns, including the steepness, water issues, dangerous roads, and density. He said the subdivision failed to meet the requirements of this area. He said family transfers can not be controlled, but large subdivisions can be.

Larsen talked about several conditions. He said the water is a difficult issue to deal with and he talked about the options people have.

Dziza said Staff did well with the conditions. He did not agree with DeKort and agreed with Larsen. He talked about the water issue.

Toavs said he went through all the Findings of Fact and labeled them positive or negative. He talked about the trees and the logging situation. He said it would take time for the forest to start looking good again.

Cross said his biggest concern is that this is the first big subdivision in Kila. He does not believe this is a good development and said it should be smaller. He said the Board needs to be careful what they approve for this area.

Lapp agreed with Toavs about the trees. He said adequate water needs to be available for this development.

Larsen said now that the Board has discussed this, it all comes down to individual decisions. He said a motion must be made.

Toavs said he would also like to talk about the water issue. He said he was in favor of the conditions.

**MAIN MOTION**

Toavs made a motion seconded by Lapp to adopt Staff Report FPP 05-83 as findings of fact and recommended approval to the Board of County Commissioners.

**BOARD  
DISCUSSION**

DeKort said condition #6 needed to be changed.

Breckenridge pointed out a road on the map and explained all the areas surrounding the road being discussed.

Cross asked Breckenridge about his plan for the roads surrounding the proposed subdivision.

Breckenridge further described the plans for the subdivision.

Larsen told Breckenridge he had already answered the Board's

**BOARD  
DISCUSSION  
CONT....**

questions.

Toavs said the easiest way to fix condition #6 was to eliminate Torto Loop.

DeKort made a motion seconded by Toavs to strike Torto Loop from condition #6.

The Board continued to discuss the condition and the roads surrounding the area.

Fleming said the Board could say 'maintain the roads as marked on the Plat'.

Larsen said they need to take care of the motion changing condition #6 first.

The motion was carried by quorum.

Toavs made a motion, seconded by Fleming, to have a note on the plat referring to markings of roads as identified on Preliminary Plat.

Harris asked the Board if they want it on Final Plat.

Fleming said they just need to mark the roads on a map so it was obvious which roads would be taken care of.

Harris said a Road Maintenance Agreement could be issued.

The motion was carried by quorum.

Harris discussed the notes issue. He said the attorneys supported putting notes on the plats.

The Board discussed the notes matter further.

The Board discussed condition #18.

Harris said Staff would not support this subdivision until the road issue was solved.

Larsen talked about the County Road Department and road issues. He said he was opposed to condition #18.

The Board continued to discuss condition #18.

**MOTION  
(strike condition #18)**

Toavs made a motion, seconded by Lapp, to strike condition #18.

<b>ROLL CALL</b> <b>(strike condition #18)</b>	On a roll call vote, the motion fails 5-3 with Lapp, Larsen and Toavs dissenting.
<b>BOARD</b> <b>DISCUSSION</b>	<p>The Board discussed other conditions. Larsen said condition #21 did not add up.</p> <p>Lopez-Stickney explained the condition.</p> <p>The Board further discussed condition #21.</p> <p>Lapp made a motion, seconded by Cross, to amend condition #21 to read: The subdivider will install fire suppression to meet DNRC requirements.</p> <p>The motion was carried by quorum.</p>
<b>MAIN MOTION</b> <b>ROLL CALL</b>	On a roll call vote the motion failed 4-4, with Fleming, DeKort, Robertson, and Cross dissenting.
<b>SUBSIDIARY</b> <b>MOTION</b>	Cross made a motion seconded by DeKort to adopt Staff Report FPP 05-83 as findings of fact and recommended <b><u>denial</u></b> to the Board of County Commissioners.
<b>MOTION ROLL</b> <b>CALL</b>	On a roll call vote the motion failed 4-4, with Toavs, Larsen, Lapp, and Dziza dissenting.
<b>PRELIMINARY</b> <b>PLAT/</b> <b>PHEASANT RUN</b> <b>MOBILE HOME</b> <b>PARK</b> <b>(FPP 06-52)</b>	<p>A request by John Hirschfelder, for Preliminary Plat approval of Pheasant Run Park, a twelve lot mobile home park subdivision on 6.06 acres on Spring Creek Road, in the northeast part of Kalispell. The property is zoned R-2, one family limited residential zone, requiring a minimum 20,000 square foot lot size, and allowing class A manufactured homes. The proposed design has all twelve lots accessing from a private roadway onto Spring Creek Drive. All of the lots in the subdivision will be provided with Evergreen sewer and water.</p> <p>Larsen stepped down for this project; Dziza presided.</p>
<b>STAFF REPORT</b>	Anne Thompson reviewed Staff Report FPP 06-52 for the Board.
<b>BOARD</b> <b>QUESTIONS</b>	None.

<b>APPLICANT</b>	<p>John Hirshfelder, 420 Mountain View Drive, owns the park with his family, and offered to answer any questions the Board had. He apologized for the misunderstanding. He thought the project was complete.</p> <p>Thompson wanted to clarify to the Board that when this file went to the County Commission, she would be presenting the preliminary plat and the revised preliminary plat together.</p>
<b>AGENCIES</b>	<p>None.</p> <p>Thompson said no letters were sent so no confusion was made since the mobile home park already existed.</p>
<b>PUBLIC COMMENT</b>	None.
<b>STAFF REBUTTAL</b>	None.
<b>APPLICANT REBUTTAL</b>	None.
<b>MAIN MOTION</b>	Robertson made a motion seconded by Cross to adopt Staff Report FPP 06-52 as findings of fact and recommended approval to the Board of County Commissioners.
<b>BOARD DISCUSSION</b>	None.
<b>MAIN MOTION ROLL CALL</b>	On a roll call vote the motion was approved unanimously.
<b>PRELIMINARY PLAT/ SUBDIVISION 196, AMENDED LOT 1 (FPP 06-45)</b>	A request by Ross and Samantha Sciarrotta for Preliminary Plat approval of the Amended Plat of Lot 1, Subdivision 196, a four (4) lot single-family residential subdivision on 2.319 acres. Lots in the subdivision are proposed to have public water and sewer systems. The property is located at 145 River Road, within the Evergreen, R-1 PUD (Suburban Residential) Zoning District.
<b>STAFF REPORT</b>	Rebecca Shaw reviewed Staff Report FPP 06-45 for the Board.
<b>BOARD QUESTIONS</b>	<p>Lapp asked about the landscaping.</p> <p>Shaw said it was all set.</p>

<b>APPLICANT</b>	<p>Erica Wirtala, of Sands Surveying, talked about the landscaping and zoning. She said they agreed with all conditions.</p> <p>Robertson asked if there was a well on the property.</p> <p>Wirtala said there was.</p> <p>Cross asked about a culvert.</p> <p>Wirtala responded.</p>
<b>AGENCIES</b>	None.
<b>PUBLIC COMMENT</b>	None.
<b>STAFF REBUTTAL</b>	None.
<b>APPLICANT REBUTTAL</b>	None.
<b>MAIN MOTION</b>	DeKort made a motion seconded by Robertson to adopt Staff Report FFP 06-45 as findings of fact and recommended approval to the Board of County Commissioners.
<b>BOARD DISCUSSION</b>	None.
<b>MAIN MOTION ROLL CALL</b>	On a roll call vote the motion passed unanimously.
<b>PRELIMINARY PLAT/ 4 BAR O (FPP 06-46)</b>	A request by 4 Bar O Ventures, Inc. for Preliminary Plat approval of 4 Bar O Subdivision, a twenty-two (22) lot single-family residential subdivision on 62.00 acres. Lots in the subdivision are proposed to have public water and individual septic systems. The property is located at 1650 Smith Lake Road.
<b>STAFF REPORT</b>	Rebecca Shaw reviewed Staff Report FPP 06-46 for the Board.
<b>BOARD QUESTIONS</b>	<p>Toavs asked about a road location.</p> <p>Shaw pointed out the road on the map.</p> <p>DeKort asked for clarification of the future Final Plat.</p> <p>Shaw responded.</p>

**APPLICANT**

Brian Long of Long Engineering, 347 West Idaho in Kalispell. The subdivision would have an equestrian theme. He said there would be an allowance of horses on this property, trails for equestrian use, and arena in the subdivision. He said there would also be an upscale indoor riding area in addition to the existing barn. He talked about the floodplain, groundwater, and the conditions in the Staff Report.

Robertson asked Long about the size of the riding arena.

Dennis Pewitt responded from the audience.

Toavs asked about the location of the riding arena.

Pewitt responded.

Dennis Pewitt, Coon Hollow Road, talked about Kila and wondered why Kila did not have a nice subdivision yet. He talked about another subdivision he did and the improvements it made in the area. He has looked for a good piece of property and believes this is perfect for this proposal.

Robertson asked Pewitt about street lights and was not sure they should be installed in this part of the valley.

Pewitt responded.

**AGENCIES**

None.

**PUBLIC  
COMMENT**

Valerie Kurtzhals, 445 Spring Hill Road, was in opposition to the proposed development, and said it was inappropriate for the area. She has observed how wet the area is. and handed out maps to the Board about wetland statistics. This area is a major stopping area for Canadian geese. She said this subdivision does not comply with the master plan and is completely out of character for the Kila area.

Gary Zorn, 280 Bighorn Drive, said the subdivision won't blend in and there is a lot of traffic, more than the applicant knows. He said there is many geese in the area. He said he honestly liked living out there when he was all alone. He said he is against this development.

Norm Moss, 2005 Haywire Gulch, said the subject property is 75% under water. He said he was neither for nor against this proposal. His biggest concern was the horses on the property. When the rain falls, the manure will end up in the river that flows into Flathead Lake. He talked about the overflowing schools in the area.

**PUBLIC  
COMMENT  
CONTINUED...**

Ken Lundsford, 1600 Haywire Gulch, said there would be too many problems with this subdivision and agreed with the person who had spoken before about the horses. There would be no water for those who live above or around the subdivision.

Audrey Wedell, 1690 Haywire Gulch, was concerned about the traffic. She had been through a flood before and does not believe a subdivision should be put on a floodplain.

Dale Smith, 325 Bighorn Drive, said their basement flooded recently and has had to deal with the excess water around the ranch. He said 22 houses are too much for the area.

Ron Thibert, 3795 Hwy 2 West, has been out there since 1973 and has seen many wet years. He said the area is either dry or wet, never in between. He said it would be incompatible with the area. His main concern is the high water level in this area.

Jonathan Baum, 63 Torto Loop, read some articles from the Daily Inter Lake regarding growth in the county. He said we have got to know when to stop.

Marc Balter, 2950 Smith Lake Road, was in favor of the subdivision. He said the applicant is trying to do something good for the area. He said schools are always going to continue growing. He said this subdivision would "fit in" and improve Kila.

Mark Crowley, 2690 Haywire Gulch, talked about the mailbox situation. He was concerned about the horses grazing in the water. He said he is a certified floodplain manager and worried this subdivision would have too many water problems. He recommended the Board request a flood study. He said this subdivision would be high density in an area where we do not need it.

Daniel Moore, of Kila, said the density issue is his biggest concern; it is a waterfowl area and does not believe it needs to be a place for a "small town". He said this proposal is the size of Kila itself. He said Kila is a beautiful old place and does not believe people want to live there to see beautiful old subdivisions.

**STAFF  
REBUTTAL**

Rebecca Shaw pointed out this file was presented to the Board with no recommendation.

**APPLICANT  
REBUTTAL**

Brian Long passed around a favorable letter to the Board. He talked about the floodplain. He said this subdivision follows the covenants the land came with.

Lapp asked about the horse arena access.

Long showed Lapp where they plan to place the arena.

Toavs asked about the easement.

Long responded.

**MAIN MOTION**

Cross made a motion seconded by Robertson to adopt Staff Report FFP 06-46 as findings of fact and recommended **denial** to the Board of County Commissioners.

**BOARD  
DISCUSSION**

Larsen was still concerned about the groundwater. He said he was not comfortable with the subdivision.

Robertson reminded the Board of an equestrian proposal near Flathead Lake they turned down because of potential contamination.

Lapp talked about the lots and the wet and dry soil contrast. He said the subdivision was out of character for the area.

Larsen talked about the water issue and soil problems.

Cross talked about the streets, curbs, and lights. He said maps are very important and referred to the need for them with the Growth Policy.

**MAIN MOTION  
ROLL CALL**

On a roll call vote the motion to **deny** passed unanimously.

**BOARD  
DISCUSSION**

The Board discussed the Findings of Fact and their reasoning for denial.

Cross made a motion seconded by Robertson regarding letter c, page 2.

The motion was carried by quorum.

Robertson made a motion seconded by DeKort regarding water availability.

The motion was carried by quorum.

Robertson made a motion seconded by DeKort regarding reasonable litigation.

**BOARD  
DISCUSSION  
CONTINUED...**

The motion was carried by quorum.

Cross made a motion seconded by Robertson regarding the designated wetland.

The motion was carried by quorum.

Cross made a motion seconded by DeKort regarding the impact on waterfowl.

The motion was carried by quorum.

**OLD BUSINESS**

The Board discussed the Growth Policy progress with Harris.

**NEW BUSINESS**

Larsen asked Harris about Olaf Ervin's comments.

Harris said he did not understand and was trying to think optimistically. Staff presented the Staff Report after Larsen had reviewed it. Staff had walked through the Planning Board recommendations. He said there was confusion as to why an applicant would have access to Planning Board individual emails.

Larsen said the complaint was Staff had not taken the Board's recommendations and kept their own on the Staff Report.

Harris said the Report was updated with everything the Board changed and was well reviewed. He thinks something weird is going on but did not want to talk about it.

Larsen said the Board needed to make sure when they recommend something on a project that Staff is taking the Board's recommendation to the County Commissioners, since that is the purpose of the Planning Board.

Harris agreed and suggested Larsen get a copy of the minutes.

Lapp asked what the County Commissioners did with that subdivision.

Harris said the County Commissioners approved it.

**ADJOURNMENT**

The meeting was adjourned at approximately 10:50 p.m. on a motion by Robertson seconded by Fleming. The next meeting will be held at 6:00 p.m. September 27, 2006.

---

Jeff Larsen, President

---

Arica Ahart, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: \_\_\_\_/\_\_\_\_/06